

From: Mike Harrold
To: Microsoft ATR
Date: 1/27/02 8:00pm
Subject: Microsoft Settlement

To whom it may concern,

I find myself in a strange position. One part of me believes that an end to the Anti-trust case is beneficial to everyone. The far reaching consequences of this trial go way beyond the companies involved, all the way to the backbone of our economy.

That said, I simply cannot agree with the proposed settlement in its current form, particularly the lack of spine in the enforcement provisions. An oversight panel that is severely restricted in releasing its findings? Or in other words, a panel that can be all too easily silenced by the political process, something we should all be very concerned about.

In addition, I find this case analogous to a murder trial where the defendant was found guilty, whose guilt was upheld by the Court of Appeals, yet receives probation from the District Attorney prosecuting the case in order to avoid a length sentencing phase. I am sure I am not alone in my thoughts on this.

I point the Court toward the proceedings in the recent civil case, where the proposed settlement was also rejected, the Judge in that case correctly identifying that the "punishment" was far too lenient, not to mention rather inappropriate given the facts of the case at hand. It would have been easy for the Judge to have accepted the settlement in order to put an end to the case, but such a settlement would have not been for the benefit of the plaintiffs. I see a striking similarity here; the settlement on hand is clearly far more beneficial to Microsoft than it is to the consumers who have suffered at the hands of such a monopoly.

I urge the Court to reject the settlement at this time, and to encourage the parties to continue negotiations toward a settlement. However, the Court must also send a clear signal to the parties that any settlement must not only address the core claims of the case, but also provide for speedy injunctive release from any future monopolistic behaviour by Microsoft. Otherwise we will find ourselves in this same position again very soon.

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